

FORM TO BE USED BY A STATE PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SECTION 1983 OR BY A FEDERAL PRISONER IN FILING A BIVENS CLAIM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CT-3223
(leave this space blank)

FILED

DEC 30 2010

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

Jeremy Anthony Jones

(enter full names of each plaintiff(s))

Dr. Richard O. Broadwell III

Inmate Number 0516957

Dr. Wallace

(enter full names of each defendant(s))

I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? YES () NO ☒

If your answer is YES, describe the former lawsuit in the space provided below:

II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE STATE INMATE GRIEVANCE PROCEDURE? YES ☒ NO ()

If your answer is YES:

1. What steps did you take? _____
2. What was the result? (Attach copies of grievances or other supporting documentation.)

See Attach Copies

- D. Defendant _____
Position _____
Employed at _____
Address _____
Capacity in which being sued: Individual () Official () Both ()
- E. Defendant _____
Position _____
Employed at _____
Address _____
Capacity in which being sued: Individual () Official () Both ()
- F. Defendant _____
Position _____
Employed at _____
Address _____
Capacity in which being sued: Individual () Official () Both ()

IV. STATEMENT OF CLAIM

State here as briefly as possible the **FACTS** of your case. Describe how **each** defendant is involved. Include also the names of the other persons involved, dates and places. **DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES.** If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

Preliminary Statement: This is a civil rights action filed by the above named State Prisoner, for damages and injunctive relief under 42 U.S.C. § 1983, alleging denial of medical and dental care in violation of the Eighth Amendment to the United States Constitution. Jurisdiction: 1. The Court has jurisdiction over the Plaintiff's claims of violation of federal Constitutional rights under 42 U.S.C. §§ 1331(a) and 1343 2. The Court has supplemental jurisdiction over the Plaintiff's state law tort claims under 28 U.S.C. § 1367 3. Jury Trial Demanded.

Facts: While at Pitt County Memorial Hospital 2100 Stantonsburg Road P.O. Box 6028 Greenville, NC 27835-6028, the Plaintiff was informed by Doctors Richard S. Zeri, M.D. and Paul Schenarts, M.D., Brian Brodish, MD That there was a self-inflicted Gunshot Wound to the Oral Cavity and face and that he would now have to undergo reconstruction the Procedure would began by debridging the defect in the Oral Cavity and the right side of the face due to Obiteration Of the right side of the face.

Denial Of Medical Care: After being removed from the Pitt County Memorial Hospital Emergency Room Care the Plaintiff has been transferred and Placed in the General Population at Pamlico Correctional Institution Where is has requested the Specialized medical Care outside the Prison. Due to his Permanent disability and the hole in his Palate Will not stop food from going into the nasal Septum. Upon asking Dr. Richard O. Broadwell, III, and Dr. Wallace the Dentist who are Private Physician under Contract to Provide Medical Care to Pamlico Correctional Institution inmates that is needed. However, I am being refused this medical treatment and with the food going into my Nasal septum is very Painful the food decays and then there hole becomes infected and I cannot get any medications to stop the pain or infection. I need help!!!

V. RELIEF SOUGHT BY PRISONER

State briefly exactly what you want the Court to do for you. MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.

A. Issue a declaratory judgment stating that: 1 The Physical abuse of the Plaintiff by defendants Dr. Broadwell, and Dr. Wallace violated the Plaintiff's rights under the Eighth Amendment to the United States Constitution 2 Defendant Dr. Broadwell, and defendant Dr. Wallace actions in failing to provide adequate medical care for the Plaintiff violated

and continue to violate the Plaintiff's rights. (B) Issue an injunction ordering defendants Broadwell and Dr. Wallace or their agents to: 1. Immediately arrange for the Plaintiff's medical care Physical therapy or follow-up medical treatment to be evaluated by a medical Practitioner with expertise in the treatment and restoration of Palate and carry out without delay the treatment directed by such medical Practitioner. (C) Award Compensatory and Punitive damages in the following amounts: \$18/50,000 jointly and severally against defendants for the Physical and emotional injury resulting from their failure to provide adequate medical care to the plaintiff. Grant such other relief as it may appear that Plaintiff is entitled

Signed this 26th day of Dec, 2010.

Jerry Jones
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

12, 26, 10
Date

Jerry Jones
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)